

JAN 03 2013

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WILLIAM C. HICKS,)	CASE NO. 7:12CV00049
)	
Petitioner,)	
)	
v.)	FINAL ORDER
)	
HAROLD CLARKE, DIRECTOR,)	
VIRGINIA DEPARTMENT)	
OF CORRECTIONS,)	By: James C. Turk
)	Senior United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the motion to dismiss (ECF No. 9) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** as untimely filed; petitioner's motion for appointment of counsel (ECF No. 15) is **DENIED**; and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 3rd day of January, 2013.

[Signature]

Senior United States District Judge